

A.G. Contract No.: KR05-0230TRN
ADOT File No.: JPA 04-099 Amendment One
Project No.: U-095-YU-010
Section: US 95 at Avenue G
Project: Traffic Signal
TRACS No.: HX169 01C
Budget Source Item No.: 71206 & 73306

**AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
YUMA COUNTY

THIS AMENDED AGREEMENT is entered into this date as of August 1st, 2006, pursuant to Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and YUMA COUNTY, acting by and through its CHARIMAN and the BOARD OF SUPERVISORS (the "County").

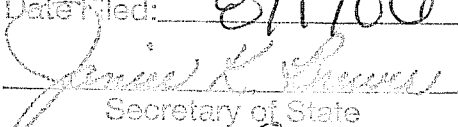

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 and § 11-952 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

THE PARTIES HERETO AGREE TO AMEND THIS AGREEMENT by replacing RECITAL 4, and Section II. SCOPE OF WORK 1.a & b. and 2.a. with the following language:

4. The State will design and construct a warranted traffic signal, lighting, and make roadway improvements at the intersection of US 95, Milepost (MP) 10.55 and Avenue G, for the safety and benefit of the traveling public as set forth in this Agreement, hereinafter referred to as the "Project". The State will design, construct and maintain the Project using State and County funds estimated at \$925,000.00. The Parties agree to pay a 50/50 split of the estimated Project costs. The County will be responsible to provide costs for the electrical energy to operate the traffic signal and lighting.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 27542
Filed with the Secretary of State
Date Filed: 8/1/06

Secretary of State
By: 

II. SCOPE OF WORK

1. The State shall:

Section II.1.a & b. shall be deleted and replaced with the following language:

a. Upon award of the Project, invoice the County for 50% of the total Project cost, currently estimated at \$925,000.00.

b. Be responsible for 50% of the total Project costs. ADOT's cost breakdown is the following: ADOT's 50% = \$462,500.00, ADOT's Traffic Fund = \$230,500.00 and ADOT's Yuma District Minor Fund = \$232,00.00, total Projects costs, estimated at \$925,000.00.

2. The County shall:

Section II.2.a shall be deleted and replaced with the following language:

a. Upon award of the Project and within thirty-days (30) upon receipt of an invoice from the State, remit to the State payment for the amount of \$462,500.00 (50%) of the total Project costs, estimated at \$925,000.00.

EXCEPT AS AMENDED HEREIN, all other terms and conditions of the original Agreement shall remain in force and effect.

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue – Mail Drop 616E
Phoenix, AZ 85007
(602) 712-7525

Yuma County
Attn: Yuma County Engineer
2351 W. 26th Street
Yuma, AZ 85364
(928) 817-5000

In accordance with Arizona Revised Statutes § 11-952, (D) attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

YUMA COUNTY

STATE OF ARIZONA

Department of Transportation

By Kathryn 'Casey' Prochaska
KATHRYN "CASEY" PROCHASKA
Chairperson

By Michael P. Manthey
MICHAEL P. MANTHEY, P.E.
State Traffic Engineer

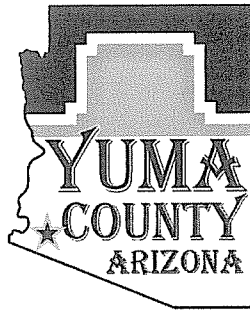
ATTEST:

By Christy Isbell, Deputy, for:
SUE STALLWORTH
Clerk of the Board

G:04-099-Amendment One, Yuma County-Traffic Signal
May 24, 2006-ly-Final

OFFICE OF THE
BOARD OF SUPERVISORS
198 Main Street
Yuma, Arizona 85364

DAVID R. GARCIA
COUNTY ADMINISTRATOR



LENORE LOROÑA STUART
DISTRICT 1
RUSSELL MC CLOUD
DISTRICT 2
CASEY PROCHASKA
DISTRICT 3
MARCO A. (TONY) REYES
DISTRICT 4
GREGORY FERGUSON
DISTRICT 5

MINUTES EXTRACT CERTIFICATION

STATE OF ARIZONA)

ss.

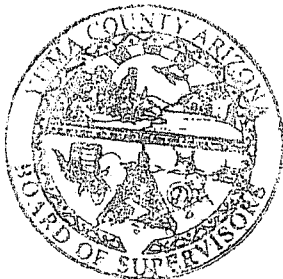
COUNTY OF YUMA)

I, David R. Garcia, Clerk of the Board of Supervisors, do hereby certify that I am required by law to maintain custody of the minutes of the Yuma County Board of Supervisors, and that the following is a true and correct extract of the minutes of the Board of Supervisors' meeting held June 19, 2006:

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Consent Items Nos. 4 through 29, excluding Items 22 and 23. The motion carried 5-0.

No. 9: Development Services: Authorize the Chairman to sign Amendment No. 1 to the Intergovernmental Agreement with the State of Arizona, Department of Transportation, in the amount of \$462,500, for the installation of a new traffic signal at the intersection of U.S. Highway 95 and Avenue G. Funding: Highway User Funds/Development Services Engineering, Account Nos. 02252.03.2700.45620.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors.
Done at Yuma, the County Seat, this 13th day of July, 2006.



SEAL

Christy Isbell, Deputy for:

DAVID R. GARCIA, Clerk of the Board

INTERGOVERNMENTAL AGREEMENT DETERMINATION

JPA 04-099 Amendment One, US 95 at Avenue G Traffic Project IGA, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Yuma Deputy County Attorney who has determined that it is in proper form and within the powers and authority granted to Yuma County under the laws of the State of Arizona.


No opinion is expressed as to the authority of the remaining parties to enter into said agreement.

Dated 1 June, 2006.

JON R. SMITH
Yuma County Attorney

A handwritten signature in cursive script, appearing to read 'E. P. Feheley', written over a horizontal line.

Edward P. Feheley
Deputy County Attorney

<p>TERRY GODDARD Attorney General</p>	<p> OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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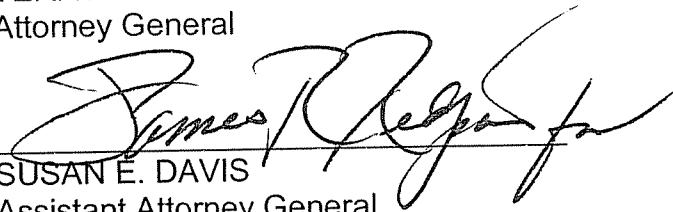
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0230TRN (**JPA 04-099, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and Yuma County, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: July 26, 2006

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:971636
Attachment